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SENATE BILL NO. 801

Offered January 9, 2013

Prefiled December 19, 2012

A BILL to amend and reenact § 18.2-67.5:1 of the Code of Virginia, relating to punishment for third misdemeanor sex offense; penalty.

Patron—Garrett

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-67.5:1 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-67.5:1. Punishment upon conviction of third misdemeanor offense.**

When a person is Any person convicted of sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of subsection C of § 18.2-67.5, a violation of § 18.2-371 involving consensual intercourse with a child, indecent exposure of himself or procuring another to expose himself in violation of § 18.2-387, or a violation of § 18.2-130, and when it is alleged in the warrant, information, or indictment on which the person is convicted and found by the court or jury trying the case that the person has previously been convicted within the ~~ten-year~~ 10-year period immediately preceding the offense charged of (i) two or more of the offenses specified in this section, (ii) two or more substantially similar offenses under the laws of another state or territory of the United States, the District of Columbia, or the United States, or (iii) any combination of two such offenses, each such offense occurring on a different date, he shall be is guilty of a Class 6 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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